

## **REMARKS**

Claims 28-30, 35, 37-61 are all the claims pending in the application, stand rejected on prior art grounds. Claims 31-34 and 36 are canceled and new claims 37-50 are added, above.

### **I. The Prior Art Rejections**

Claims 28-30, 35, and 37-61 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Barber, et al. (U.S. Patent No. 6,088,435), hereinafter referred to as Barber. Applicants respectfully traverse these rejections based on the following discussion.

Applicants traverse the rejections because Barber fails to disclose the claimed feature of “obtaining real-time context information for said caller to automatically determine a situation of said caller, without input from said caller” as defined in independent claim 28 and similarly defined by independent claims 29 and 48. Further, Barber fails to disclose the claimed feature of the “real-time context information for said caller comprises at least one of a location of said caller and an appointment calendar of said caller” as defined by independent claim 28 and similarly defined by independent claims 29 and 48.

The Office Action argues that the “subscriber preferences” of Barber teach the “context information for said caller” of the claimed invention (Office Action, p. 3, item 3). However, Applicants submit that the “subscriber preferences” of Barber do not comprise “real-time” information. Instead, the “subscriber preferences” of Barber are recorded and stored in a database before the subscriber requests a communication connection; and as such, the “subscriber preferences” of Barber do not comprise “real-time” information.

More specifically, as described in column 2, lines 51-65 of Barber, FIG. 2 shows an exemplary subscriber record 50 that is stored within database 30. Each subscriber has his or her own record. Record 50 includes several fields which contain different types of

information. Generally, the information and the types of fields within record 50 can be categorized into one of the following three categories: personal information, subscriber profile information, and subscriber preference information. Personal information includes information about the subscriber that is used by the network to set up calls and verify the subscriber's identity. Subscriber profile information is information that is used by the network to match the subscriber with requests originated by other subscribers. Subscriber preference information relates to the subscriber's preferences for billing, willingness to accept calls from other subscribers, and the like.

Additionally, the Office Action argues that “what they’re currently willing to talk about” in Barber teaches the “context information for said caller” of the claimed invention (Office Action, p. 3, item 3 (citing col. 3, lines 49-55 of Barber)). Specifically, as described in column 3, lines 49-55 of Barber, a field 76 is provided to indicate whether the subscriber is willing to be conferenced into a larger conversation among multiple subscribers or whether the subscriber prefers to have a private conversation with a single, other subscriber.

Nevertheless, Applicants submit that nothing within Barber discloses that the field 76 (or ‘what the subscriber is willing to talk about’) is “current” or comprises “real time” information. Instead, as discussed above, record 50 (and the fields that are included in record 50) are recorded and stored in the database 30 before the subscriber requests a communication connection; and as such, the field 76 (and ‘what the subscriber is willing to talk about’) of Barber does not comprise “real-time” information.

To the contrary, as described in paragraph 0053 of Applicants’ disclosure, in block 440 the caller's context supplement is with real-time sensor data. Relevant data includes but is not limited to (1) the time of day and the caller's time zone, (2) the caller's location as determined by GPS (global positioning system) coordinates, the location of relevant communication network resources (for example TCP/IP subnets), cellular towers, and the like; (3) data from special-purpose sensors that detect motion, sound, light, pressure, etc. deployed in spaces frequented by the caller (for example in the

caller's automobile); and (4) personal medical sensors that report the caller's physiological state.

Accordingly, Applicants submit that neither the “subscriber preferences”, the “field 76”, nor “what [the subscriber is] ... willing to talk about” of Barber (which the Office Action asserts teaches the “context information for said caller” of the claimed invention”) comprises “real time” information. Instead, such elements of Barber are recorded in the record 50 and stored in the database 30 before the subscriber requests a communication connection. Therefore, it is Applicants’ position that Barber fails to disclose the claimed features of “obtaining real-time context information for said caller to automatically determine a situation of said caller, without input from said caller” as defined in independent claim 28 and similarly defined by independent claims 29 and 48. Further, Barber fails to disclose the claimed feature of the “real-time context information for said caller comprises at least one of a location of said caller and an appointment calendar of said caller” as defined by independent claim 28 and similarly defined by independent claims 29 and 48.

Therefore, Applicants submit that independent claims 28, 29, and 48 are not anticipated by Barber and are patentable. Further, dependent claims 30, 35, 37-47, and 49-61 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

## **II. Formal Matters and Conclusion**

In view of the foregoing, Applicants submit that claims 28-30, 35, 37-61, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

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